

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ERIC SEARLES,

Plaintiff,

-against-

MEMORANDUM & ORDER
14-CV-3849 (JS) (AKT)

ROBERT FATES,

Defendant.

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APPEARANCES

For Plaintiff: Harry Thomasson, Jr., Esq.
3280 Sunrise Hwy. #112
Wantagh NY 11793

For Defendant: none

SEYBERT, District Judge:

Pending before the Court is Magistrate Judge Tomlinson's Report and Recommendation ("R&R"), recommending that "Plaintiff's case be dismissed for failure to comply with this Court's orders and the apparent abandonment of this action." (Docket Entry 9.) For the following reasons, the Court ADOPTS Judge Tomlinson's R&R in its entirety.

BACKGROUND

This action was commenced on June 19, 2014, by plaintiff Eric Searles ("Plaintiff") against defendant Robert Fates. Plaintiff seeks Declaratory Judgment and Injunctive Relief.

On January 23, 2015, Judge Tomlinson issued her R&R. (Docket Entry 9.) The R&R recommends that the Court dismiss the

case pursuant to Rules 4(m) and 41(b) of the Federal Rules of Civil Procedure (R&R at 8.) Judge Tomlinson issued a further order on October 29, 2015 (Docket Entry 12), in which she recommended that this Court adopt the R&R.

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Objections were due within fourteen days of service of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court finds Judge Tomlinson's R&R to be comprehensive, well-reasoned, and free of clear error, and it ADOPTS the R&R in its entirety.

CONCLUSION

Judge Tomlinson's R&R (Docket Entry 9) is ADOPTED in its entirety. The Plaintiff is directed to serve a copy of this

Memorandum & Order on Defendant and file proof of service. The Clerk of the Court is further directed to mark this matter CLOSED.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: November 5, 2015
Central Islip, New York